

RESPONSE TO NON-FINAL OFFICE ACTION**PAGE 5**

Serial No. 10/650,219

Attorney Docket No. 200206922-1

Title: IMAGE DATA CAPTURE METHOD AND APPARATUS

REMARKS

By this amendment, claims 1, 4, 12, and 14 have been amended. and claims 3, 10-11, 13, and 15-21 have been canceled.

In the Specification

The Office Action objected to the title of the invention. Applicant does not understand what changes are required. The title is appropriate to the scope of the claims.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-13, 15-17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Imagawa et al. (U.S. Patent No. 6,657,666 B1). Applicant traverses.

Claim 1 has been amended to include the subject matter of original claim 3. Accordingly, Applicant will address the rejection of claim 3 in referring to amended claim 1. Imagawa et al. does not contain each and every element of claim 1 as amended. Specifically, Imagawa et al. actually teaches away from the presently claimed subject matter of claim 1.

Claim 1 as amended recites that determining a position of an object of the captured image calculates the position of the object by translating the range and magnetic bearing from the GPS coordinates to provide object coordinates. This is not done in Imagawa et al. In contrast, Imagawa et al. requires the use of a map that is programmed into the camera (or stored externally) to identify the object (see col. 5, l. 40, requiring the use of the map). The calculation on Imagawa et al. of the position of the shot object requires the use of the map. In contrast, the present claim 1 does not. Claim 1 is allowable. Claims 2 and 4-8 depend from and further define patentably distinct claim 1, and are also believed allowable.

Claim 12 as currently amended includes a module that performs a method substantially similar to that of the method of claim 1. Claim 1 has been shown to overcome a rejection based on Imagawa et al. since Imagawa et al. requires elements not present in claim 1. As such, claim 12 is also allowable. Claim 14 depends from and further defines patentably distinct claim 12, and is also believed allowable.

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Claim Rejections Under 35 U.S.C. § 103

Claims 14, 18-19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imagawa et al. (U.S. Patent No. 6,657,666 B1) in view of Mower (U.S. Patent No. 6,930,715 B1). Claim 14 depends from and further defines patentably distinct claim 12, as discussed above, and is also believed allowable. Claims 1-19 and 21 have been canceled.

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CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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